

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.4176 of 2004

Badriprasad Tiwari .Petitioner

VS

Mohd Iqbal Mohd Siddique & ors..Respondents

Mr. R.R.Sharma for petitioner

CORAM: A.P.SHAH J.

Dated 25.10.2005

P.C:

. Heard Mr. Sharma for the petitioner. Perused the judgment of the trial court. The trial court on detailed and thorough analysis of the evidence led by the parties recorded a finding of fact that the petitioner has failed to prove that he was in possession of the suit premises and that he was forcibly dispossessed by the defendants. I do not see any ground to interfere with this finding of fact in exercise of jurisdiction under Art 227 of the Constitution. Petition is dismissed.

2. It is clarified that this order shall not preclude the petitioner from filing a suit on title and if such a suit is filed by the petitioner same shall be decided on its own merits without in any manner influenced by the findings recorded by the trial court in the present suit under section 6 of

the Specific Reliefs Act.